

HOUSE BILL NO. HB0119

Medical prescriptions-off label purposes.

Sponsored by: Representative(s) Penn, Angelos, Bear, Davis, Haroldson, Hornok, Jennings, Neiman, Ottman, Smith and Ward and Senator(s) Brennan and Salazar

A BILL

for

1 AN ACT relating to professions and occupations; authorizing
 2 prescribers to prescribe medications for off label
 3 indication as specified; authorizing pharmacists to
 4 dispense medications for off label indication as specified;
 5 providing prescribers and pharmacists immunity from
 6 disciplinary action as specified; providing definitions;
 7 providing prescribers and pharmacists civil immunity as
 8 specified; and providing for an effective date.

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10 *Be It Enacted by the Legislature of the State of Wyoming:*

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12 **Section 1.** W.S. 33-1-401 through 33-1-404 are created
 13 to read:

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ARTICLE 4

PRESCRIBING AND DISPENSING DRUGS FOR OFF LABEL INDICATION

33-1-401. Definitions.

(a) As used in this article:

(i) "Disciplinary action" means any action taken by a health related licensing board against a licensee, including but not limited to revocation, limitation, suspension or denial of a license or any other disciplinary action taken by a health related licensing board against a licensee;

(ii) "Off label indication" means the prescribing of prescription drugs for treatments other than those stated in the labeling approved by the United States food and drug administration;

(iii) "Pharmacist" means any person licensed by the board of pharmacy under title 33, chapter 24 of the Wyoming statutes to practice pharmacy as specified in W.S. 33-24-124;

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2 (iv) "Prescriber" means a physician or a
3 physician assistant licensed under title 33, chapter 26 of
4 the Wyoming statutes, a dentist licensed under title 33,
5 chapter 15 of the Wyoming statutes or an advanced practice
6 registered nurse licensed under title 33, chapter 21 of the
7 Wyoming statutes.

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9 **33-1-402. Prescribing drugs for off label indication;**
10 **exception.**

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12 (a) Notwithstanding any law to the contrary, a
13 prescriber may lawfully prescribe a United States food and
14 drug administration approved prescription drug for off
15 label indication and a pharmacist is authorized to dispense
16 a prescribed drug for off label indication pursuant to a
17 valid prescription order.

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19 (b) This section shall not apply to prescriptions for
20 substances that are listed as schedule I or schedule II
21 controlled substances under federal law or the Wyoming
22 Controlled Substances Act of 1971, W.S. 35-7-1001 through
23 35-7-1063.

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2 **33-1-403. Professional conduct.**

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4 (a) Notwithstanding any law to the contrary, a
5 prescriber or pharmacist shall not face any adverse action
6 from a health related licensing board or employer,
7 including disciplinary action, loss of employment, hospital
8 privileges or credentials, solely on the basis that a
9 prescriber prescribed a United States food and drug
10 administration approved prescription drug for off label
11 indication or a pharmacist dispensed a prescription drug
12 prescribed for off label indication pursuant to a valid
13 prescription order pursuant to this article. Any action
14 taken by a prescriber or pharmacist authorized under this
15 article shall not be considered unprofessional conduct.

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17 (b) Notwithstanding any law to the contrary, any
18 recommendation, prescription, use or opinion of a
19 prescriber or pharmacist related to medical treatment for
20 COVID-19 as defined by W.S. 1-1-141(a)(ii), including
21 medical treatment that is not recommended or regulated by a
22 health related licensing board, the department of health, a
23 professional association or the United States food and drug

1 administration, shall not be considered unprofessional
2 conduct.

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4 **33-1-404. Immunity from civil liability.**

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6 Notwithstanding any law to the contrary, a prescriber or
7 pharmacist is immune from civil liability for damages or
8 penalties for acts, omissions, health care decisions or the
9 rendering of or failure to render health care services if
10 the prescriber or pharmacist is acting pursuant to this
11 article.

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13 **Section 2.** This act is effective July 1, 2023.

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(END)